

Thomas L. Sansonetti (Wyo. State Bar # 43354)
Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)
Jeffrey S. Pope (Wyo. State Bar # 7-4859)
HOLLAND & HART LLP
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82003-1347
Telephone: (307) 778-4200
tlsansonetti@hollandhart.com
insutphin@hollandhart.com
jspope@hollandhart.com

ATTORNEYS FOR PETITIONER
BROOK MINING COMPANY, LLC

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE BROOK MINE APPLICATION)
)
) Civil Action No. 16-1601
)

**BROOK MINE’S BRIEFS EXPLAINING WHY ITS MINE PLAN WILL NOT
SUBSTANTIALLY PROHIBIT THE OPERATIONS OF PADLOCK RANCH AND BIG
HORN COAL COMPANY**

Following a two-day hearing, this Council asked the parties to brief their arguments and evidence on **the third element** for an order in lieu of consent: the use does not substantially prohibit the operations of the surface owner. Wyo. Stat. Ann. § 35-11-406(b)(xii)(C). Brook has attached two separate briefs to address the element as it applies to Padlock Ranch and Big Horn Coal Company. Brook has split its briefing for two reasons. First, the arguments and evidence differ for why Brook will not prohibit the operations of either surface owner. Second, the Council will have to vote twice and issue **two decisions**, one for each surface owner. So it made sense to address each separately.

Brook has also attached findings of fact and conclusions of law, including a proposed order for each landowner. The Attorney General’s office representative suggested this as a

possible course of action. Although the Council did not specifically ask for it, Brook has included the proposed findings as a courtesy to the Council should it want to sign those findings and proposed order.

DATED: September 23, 2016



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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2016, I served a true and correct copy of the foregoing by electronic mail and addressed to the following:

Haultain Corbett
50 East Loucks Street
Suite 110
PO Drawer 5059
Sheridan, WY 82801-5059
hal@lonabaugh.com

Lynnette J. Boomgaarden
Crowley Fleck, PLLP
237 Storey Boulevard, Suite 110
Cheyenne, WY 82009
lboomgaarden@crowleyfleck.com


